

REMARKS

Claims 1-25 are currently pending in the subject application and are presently under consideration. Claims 2-3, 5, 8-9, 12-13 and 18-19 have been amended herein. A clean version of all pending claims is found at pages 4-8. The specification has been amended herein to cure minor typographical errors. Additionally, the abstract has been amended herein in accordance with the Examiner's comments. No new matter has been added. Figure 2 has been amended in order to cure a minor typographical error.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to Specification

In the Office Action dated February 10, 2004, the abstract of the disclosure was objected to contending that it does not adequately describe the claimed subject matter, particularly, subject matter in the dependent claims. Applicants' representative respectfully asserts that the abstract, as filed, is sufficient to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure as set forth in 37 CFR §1.72. However, in response to the Examiner's objection, an amended abstract is submitted herewith to further disclose the aspects of the dependent claims. In light of the amendment, applicants' representative respectfully requests reconsideration and withdrawal of this objection.

II. Objection to Drawings

Figure 2 was objected to as a result of inconsistent “Member #” designations. Enclosed herewith is a replacement sheet to correct the typographical errors in accordance with the Examiner’s suggestion. Withdrawal of this objection is respectfully requested.

III. Objection to Claim 5

Claim 5 has been amended in accordance with the Examiner’s suggestion to replace the word “configuration” with the word “event.” Withdrawal of this objection is respectfully requested.

IV. Rejection of Claims 1-5, 7-9, 17-19, 21, and 23 Under 35 U.S.C. §103(a)

Claims 1-5, 7-9, 17-19, 21, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* (U.S. 6,594,786) in view of Jarriel *et al.* (U.S. 6,553,403). It is respectfully submitted that these rejections should be withdrawn for at least the following reasons. The combination of Connelly *et al.* and Jarriel *et al.* does not teach or suggest all limitations recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). An examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant’s invention without also providing

evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. *Ex parte Levengod*, 28 USPQ2d 1300 (P.T.O.B.A.&I. 1993).

The present invention as disclosed and claimed relates to a system and method for monitoring, logging and retrieving event data of a plurality of members forming an entity. Such members may be, for example, computers, servers, or clusters. In accordance with the present invention, event data can be defined at any one member of an entity and dynamically replicated to all members of the entity. Once defined and replicated, the member can monitor and locally store event data. Data within different event types can be mapped to a common data format or schema and then logged into a data store. By way of example, an interface can then request event data from the members *via* an event gathering and coalescing system. The event gathering and coalescing system can request and receive event data from the members based on a requested event type.

As recited in independent claim 1 (and similarly in independent claims 17 and 21), the subject invention provides for *a system for monitoring events of a plurality of members configured as an entity, having (i) at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored; and (ii) each of the plurality of members of the entity having member specific configuration settings wherein selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members*. Connelly *et al.* does not teach or suggest such features of applicants' claimed invention.

It is contended in the subject Office Action that “[A]s to claim 1, Connelly *et al.* teaches a system for monitoring events of a plurality of members configured as an entity, comprising: at least one member of the entity having event logging settings for event types to be monitored (col. 5, lines 12-20; col. 6, lines 22-38; col. 14, lines 7-13).” The Office Action continues by asserting that Connelly *et al.* teaches a system where “each of the plurality of members of the entity having member specific configuration settings wherein event types in the at least one member is propagated to the member specific

configuration settings of each of the plurality of members (col. 14, lns. 7-13).”

Applicants’ representative respectfully disagrees with this assertion.

Connelly *et al.*, fails to teach or suggest the applicants’ invention as recited in the subject claims. Connelly *et al.* simply discloses a fault tolerant availability meter which includes agents for stand-alone computers and each node of a cluster. (*See Abstract*). More particularly, Connelly *et al.* is directed toward a high availability (“HA”) meter or monitor which accurately measures availability of computers, including stand-alone servers and clusters of computers. (*See col. 4, ln. 53-56*). In other words, Connelly *et al.* is directed to an availability meter or monitoring system and clearly not to a system capable of *propagating selection of event types to each of a plurality of members* as in the claimed invention. The high availability meter of Connelly *et al.* is simply capable of collecting availability metrics for monitored entities. (*See col. 5, lns. 6-11*).

Contrary to the contention that the cited reference makes obvious the subject invention by disclosing that an HA server contains scripts for launching event monitoring agents (*e.g.*, HA agents) in a cluster – rather, Connelly *et al.* discloses “preferably, the HA agent 20 is automatically installed *via* management scripts provided by the HA server 22.” (*See col. 14, ln. 7-13*). Thus, Connelly *et al.* teaches the *installation of agents* (*e.g. to monitor the availability of the system*) rather than *to propagate the selection of event types* as recited in the subject claims. Moreover, it is submitted that Connelly *et al.* is silent with regards to *members of the entity having specific configuration settings* as recited in the subject claims.

The Office Action concedes that Connelly *et al.* fails to teach at least one member of the entity having *configurable event logging settings for determining at least one of event types to be monitored*. Jarriel *et al.* is relied upon to provide this missing teaching. However, Jarriel *et al.* discloses “software agents” available at a central location (*e.g.*, manager) or at a plurality of locations (*e.g.* the gateways) in a network where administrative, configuration or other management tasks are specified, configured and/or deployed. (*See col. 6, ln. 20-24*). In accordance with Jarriel *et al.*, the “software agents” perform or facilitate various network or system management tasks. Jarriel *et al.* merely discloses remote deployment of a software agent within a network but is silent regarding

configurable event logging settings for determining at least one of event types to be monitored as recited in the subject claims.

For at least the foregoing reasons, it is readily apparent that the cited references (alone or in combination) fail to teach or suggest the subject invention as recited in independent claims 1, 17 and 21 (and claims 2-5, 7-9, 18-19 and 23 that respectively depend there from). This rejection should be withdrawn.

V. Rejection of Claims 10-14, 16, 20, 24, and 25 Under 35 U.S.C. §103(a)

Claims 10-14, 16, 20, 24, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* in view of McHann (U.S. 5,991,806). Withdrawal of this rejection is requested for at least the following reasons. The combination of Connelly *et al.* and McHann does not teach or suggest all limitations as recited in the subject claims.

Independent claims 10, 16, 20 and 24 provide for a system for monitoring events on a member having an event monitor system adapted to receive different event types from an event source and log the different event types into a data store, the event monitor system further comprising an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.

Applicants' representative respectfully submits that, for the reasons noted *supra*, Connelly *et al.* does not teach or suggest ***an event monitor system adapted to receive different event types from an event source***. Rather, in Connelly *et al.*, each HA agent simply monitors availability of the system for which it is installed and generates events when changes in system availability or configurations are detected. (See col. 6, ln. 31-33). Connelly *et al.* is silent with regard to ***an event monitor system adapted to receive different event types from an event source*** as recited in independent claim 10 (and likewise claims 16, 20 and 24).

McHann does not cure the deficiencies of Connelly *et al.* – this reference merely teaches dynamic system control of devices in a network *via* messaging in a network management system. McHann suggests a dynamic system controller for receiving messages from subsystems, analyzing the messages and determining an effective

utilization of the messages. (See col. 1, ln. 66 – col. 2, ln. 3). McHann fails to teach or suggest *an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store* as recited in the subject claims. Rather, McHann is directed to a system which converts messages into a useful structure. For example, as disclosed in the reference, the dynamic system controller acquires data in a standard form, such as an ASCII code, and compresses and extracts the data into a compact form such as a binary read format. (See col. 10, lns. 15-22). McHann is silent with regard to mapping data to conform to a common event type schema in the data store as in applicants' claimed invention.

In view of at least the foregoing comments, it is readily apparent that the cited references fail to teach or suggest applicants' invention as recited in the subject claims; and this rejection should be withdrawn.

VI. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being obvious over Connelly *et al.* in view of McHann, and in further view of Jarriel *et al.* This claim depends from independent claim 10, and withdrawal of this rejection is requested in view of the aforementioned deficiencies of these references regarding claim 10.

VII. Recommended Changes to Claims 4-7, 11, 14-15 and 18

The Office Action contends that claims 4-7, 11, 14-15, and 18 contain improper sentence structure. While applicants' representative appreciates the Examiner's recommendation, it is believed that the subject claims contain adequate sentence structure and do not need to be amended.

Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. MSFT P138US).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731